

## SPECIFIC ALLEGATIONS

Each of the paragraphs, as stated above, are incorporated and adopted by reference herein for each specific allegation.

1. A complaint was generated on or about April 21, 2020 regarding a dental assistant that had been working without a valid permit for approximately five years. Dr. Howl assigned Dr. Stanley Crawford and Dr. Lisa Nowlin to the investigative panel.
2. On April 21, 2020, Christina Smailey, DA permit #11928, contacted the Board staff to advise she was unable to renew her dental assistant permit for 2020 and was inquiring on what she needed to do to have her permit renewed. Christina Smailey advised Board staff that her permit was very overdue and believed that her prior permit was under her maiden last name of Kinnett. Upon further review by Board staff they were unable to locate any prior dental assistant permits for the last name of Smailey or Kinnett. Board staff asked Christina Smailey to submit a new dental assistant application and upon receiving said application Christina Smailey had documented that she had been employed at Dr. Tim Brooks' dental practice in Edmond, Oklahoma since October 1, 2008. Board staff believed that Christina Smailey had been working as a dental assistant at Dr. Tim Brooks dental practice without a dental assistant permit for an unknown period of time, possibly five years.
3. On May 6, 2021 Investigator Lowe conducted a check on Christina Smailey's dental assistant permit (DA permit #11928) and discovered that her dental assistant permit had expired on 12-31-2020 and she had not renewed her dental assistant permit for 2021.
4. On May 10, 2021 Investigator Lowe contacted dental assistant Christina Smailey, via telephone, who admitting to failing to renew her dental assistant permit for 2021. Christina Smailey confirmed that she had been working for Dr. Brooks dental practice since October of 2008 and during that time had worked both chairside and as an office assistant. Investigator Lowe inquired to prior to April of 2020 when had she last renewed her dental assistant permit and Smailey advised that it had been several years. Investigator Lowe asked about any other last names her dental assistant permit could have been under and Smailey provided the last name of Andrews. Upon conducting a check in the Oklahoma Board of Dentistry License / Permit Database Investigator Lowe located Smailey's original dental assistant permit under permit # DA056 and found that this permit had expired on 12-31-2014.
5. Christina Smailey renewed her dental assistant permit (DA Permit #DA11928) with the Oklahoma State Board of Dentistry on May 10 of 2021 including the late fee.
6. The Respondent has taken full responsibility for her actions and has fully cooperated with investigators.

**The above acts and omissions set forth above constitutes violations of the State Dental Act including violations of State and Federal laws.**

CT. I – PRACTICING AS A DENTAL ASSISTANT WITHOUT BEING PERMITTED IN VIOLATION OF 59 O.S §328.24. Specifically, for allowing Christina Smailey, D.A. to work from January 1, 2015 to April 21, 2020, and from January 1, 2021 to May 10, 2021 with no valid dental assistant permit.

CT. II – FAILURE TO DISPLAY PERMIT IN VIOLATION OF 59 O.S. § 328.21, specifically for not displaying a current dental assistant permit for Christina Smailey, D.A. from January 1, 2015 to April 21, 2020, and from January 1, 2021 to May 10, 2021.


### **POTENTIAL SANCTION(S)**

The Board is authorized, after notice or opportunity for a hearing pursuant to Article II of the Administrative Procedures Act, to issue an order to impose sanction(s) whenever the Board finds, by clear and convincing evidence, that a licensee has violated the State Laws or Rules in regards to their license. The minimum to maximum sanction in the matter ranges from no action to revocation of license and an administrative fine of up to \$1500 per violation. We request for the matter to be set for hearing on the next Board Agenda.

### **ATTORNEY'S FEES**

The Board is authorized, after notice or opportunity for a hearing pursuant to Article II of the Administrative Procedures Act, to request the costs of prosecution and attorney's fees be recovered from the Respondent. The Board is requesting costs and attorney's fees.

Respectfully Submitted,

  
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Susan Rogers, Esq.  
Executive Director

Date \_\_\_\_\_

#### **Panel Members**

Dr. Stanley Crawford

Dr. Lisa Ann Nowlin

#### **Investigator**

Steve Lowe

